



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

**Project File Number, Description, and Location:**

**PDC 01-08-082 and McKee No. 120**, Planned Development Rezoning and Rezoning from Unincorporated County to A(PD) Planned Development District and from A-Agricultural District to A(PD) Planned Development District to allow religious assembly and school uses on a 8.21 gross acre site and Annexation of 4.8 acres from the County of Santa Clara into the City of San Jose. The project is located at the west side of Alum Rock Avenue approximately 200 feet northerly of Marian Lane (4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue) (Roman Catholic Welfare Corp. of San Jose and the Roman Catholic Bishop of San Jose, Owner/Developer). Council District: **5**

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

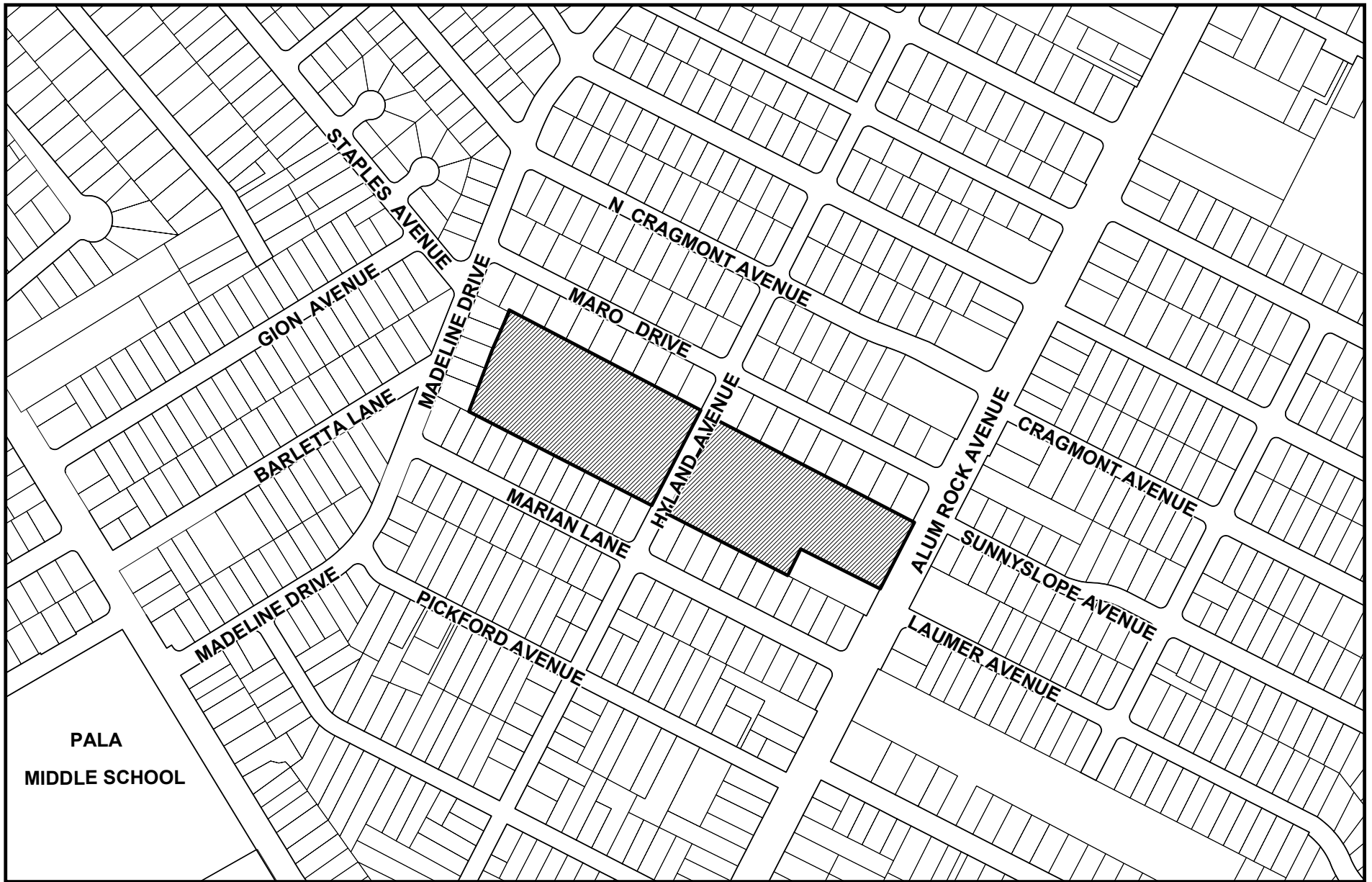
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **May 12, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **April 22, 2003** and ends on **May 12, 2003**.

A public hearing on the project described above is tentatively scheduled for **Wednesday, May 28, 2003**, at **6:00 PM** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, San José, CA 95110 and the Reference Desk at the Alum Rock Santa Clara County Branch Library 75 S. White Road, San Jose, CA 95127 and online at [www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm](http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm). Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jenny Nusbaum** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: April 21, 2003

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Deputy



PALA  
MIDDLE SCHOOL



Scale: 1"=400'

Created on 04/14/03

**File No: PDC01-08-082**

**District: 05**

**Quad No: 52**

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion.

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** St. John Vianney Parish Religious Assembly and School Expansion

**PROJECT FILE NUMBER:** PDC 01-08-082 and McKee No. 120

**PROJECT DESCRIPTION:** Planned Development Rezoning and Rezoning from Unincorporated County to A(PD) Planned Development District and from A-Agricultural District to A(PD) Planned Development District to allow religious assembly and school uses on a 8.21 gross acre site and Annexation of 4.8 acres from the County of Santa Clara into the City of San Jose

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** West side of Alum Rock Avenue approximately 200 feet northerly of Marian Lane (4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue). APNs: 601-09-013, 601-09-106, 601-09-011, and 601-09-023

**COUNCIL DISTRICT:** 5

**NAME OF APPLICANT:** Roman Catholic Welfare Corp. of San Jose and the Roman Catholic Bishop of San Jose, Attn: Michael J. Mitchell

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:** Father Larry Hendel, St. John Vianney Parish, 4600 Hyland Avenue, San Jose, CA 95127; (408) 258-7832

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

**1. Air Quality**

**IMPACTS:** The project will not conflict with the thresholds of significance for the local and regional air quality standards established by the Bay Area Air Quality Management District. However, during construction activities, dust emissions could have a significant temporary impact on local air quality and contribute sources to regional air quality.

**MITIGATION:** While the project is under construction, the project shall be required to implement effective dust control measures to prevent dust and other airborne matter from leaving the site. The BAAQMD has prepared a

list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The project shall be required to implement the following construction practices during all phases of construction on the project site.

- a. Use dust-proof chutes for loading construction debris onto trucks.
- b. Water to control dust generation during demolition of structures and break-up of pavement.
- c. Cover all trucks hauling demolition debris from the site.
- d. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- e. Cover all trucks hauling soil, sand, or other loose materials, or require trucks to maintain at least two feet of freeboard.
- f. Sweep daily (preferably with water sweepers) all paved access road, parking areas, and staging areas at construction sites.
- g. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

With the inclusion of these mitigation measures, the short-term air quality impacts associated with construction will be reduced to less-than-significant levels.

## **2. Noise**

**IMPACTS:** The project is focused on remodeling and adding facilities to an existing campus. During construction, there will be short-term increases in noise.

According to a noise study entitled, “Final Noise Assessment Study for the St. John Vianney Parish and School, Hyland Avenue, San Jose,” prepared by Jeffrey K. Pack for Edward L. Pack Associates, Inc., dated January 13, 2003, the new Parish Center will act as a multi-purpose room with a gymnasium and performance platform that may have the potential for generating noise that exceeds the City of San Jose’s General Plan Noise Element standards. In addition, a mechanical equipment deck will be located near the east property line that may also have the potential for generating noise at the nearby residence. The possible noise leakage paths for the parish center would be through the doors and windows. The building shell with the windows and doors closed will provide approximately 30dB of noise reduction. However, with the windows and/or doors open, the building shell is likely to provide only 10 dB of noise reduction. With the building shell closed, sound levels up to 100 dBA could be created within the main floor of the parish center before 55 dBA is exceeded at the property lines to the east or west. Sound levels of 100 dBA are possible with live music or a loudly cheering audience. If windows and/or doors are kept open, the sound levels at the residential property lines could be up to 75 dBA, which would be very noticeable during the evening or nighttime.

The DNLs created by activity within the parish center are dependent upon the particular activity, number of people in attendance, type of sound reinforcement systems involved and other factors. For example, if a constant sound level of 55 dBA for six hours is maintained at the property lines, with one of the hours extending into the nighttime period (5:00 – 11:00 p.m.), the DNL will be 55 dB.

Information on the Parish mechanical system was not available at the time of this study, therefore a detailed analysis of the system could not be performed. Unscreened views to equipment from the residences, or inherently noisy equipment, such as compressors or large fans will likely cause noise excesses at the nearby residences.

**MITIGATION:** The project shall be required to utilize standard construction techniques, including equipment mufflers, during the term of construction of the project to reduce the impacts to an acceptable level. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. With the inclusion of these mitigation measures, the short-term noise impacts associated with construction will be reduced to less-than-significant levels.

To address the impacts of noise from the Parish Center, the project shall be required to comply with the mitigation measures recommended in the noise study entitled, "Final Noise Assessment Study for the St. John Vianney Parish and School, Hyland Avenue, San Jose," prepared by Jeffrey K. Pack for Edward L. Pack Associates, Inc., dated January 13, 2003. The doors and windows of the Parish Center shall be required to be closed during noise generating activities including, but not limited to, sports events, music, or theater events where sound amplification is used, or when the audience capacity is greater than 50 people. The project shall be required to provide mechanical ventilation in compliance with the City of San Jose's Municipal Code and the Uniform Building Code. Prior to the issuance of a certificate of occupancy, Development Permits approved for this portion of the project shall contain a condition requiring that the applicant provide a detailed noise assessment study of the mechanical, electrical, and all other noise-generating systems to ensure compliance with the City of San Jose's Noise Element and Zoning Ordinance. With the inclusion of these mitigation measures, the noise impacts associated with activities and operations at the Parish Center will be reduced to less-than-significant levels.

### **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **May 12, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: April 21, 2003

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Deputy

Adopted on: \_\_\_\_\_

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Deputy

## PUBLIC HEARING NOTICE

A change in Zoning will be considered at Public Hearings before the Planning Commission on **Wednesday, May 28, 2003, at 6:00 p.m.** and before the City Council on **Tuesday, June 17, 2003, at 7:00 p.m.**

These Public Hearings will be held in accordance with Title 20 of the San Jose Municipal Code in the City Council Chambers, on the second floor of City Hall, at 801 North First Street, San Jose, California. You are welcome to attend and to speak on this issue. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the Public Hearing or in written correspondence delivered to the City at or prior to the Public Hearing.

The project being considered is:

**PDC 01-08-082. PLANNED DEVELOPMENT PREZONING and REZONING for the property located at the west side of Alum Rock Avenue approximately 200 feet northerly of Marian Lane (4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue), from Unincorporated County and A-Agricultural Zoning District to A (PD) Planned Development Zoning District, to allow religious assembly and school uses on 8.21 gross acres (Roman Catholic Welfare Corp. of San Jose and the Roman Catholic Bishop of San Jose, Owner/Developer) Council District 5. CEQA: Mitigated Negative Declaration.**

Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San Jose, CA 95110  
(408) 277-4576  
[www.ci.san-jose.ca.us/planning/sjplan/](http://www.ci.san-jose.ca.us/planning/sjplan/)

A staff report and recommendations will be available for your review during the week of the Public Hearing at the Department of Planning, Building and Code Enforcement and in a Public Packet at the hearing.

Comments and questions are welcome, and should be referred to the Project Manager, **Jenny Nusbaum**, of the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project. For your convenience, contact Linda LaCount at the above telephone number the week of the Public Hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Andrew Crabtree, Senior Planner  
Dated: April 10, 2003

Patricia L. O'Hearn, City Clerk

SECTION 20.120.400 OF THE SAN JOSE MUNICIPAL CODE  
ESTABLISHES A FORMAT PROTEST PROCEDURE FOR REZONINGS  
AND PREZONINGS BEFORE THE CITY COUNCIL

If you are the owner of property to be rezoned, or if you own property adjacent to or across the street from a proposed rezoning or prezoning, you may file an Official Protest. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement **by 5:00 p.m.** on the fifth day before the City Council opens its public hearing on the proposal (that is, the Thursday before a Tuesday hearing). A separate protest petition shall be filed for each separate protesting site. Contact the Department of Planning, Building and Code Enforcement if you have any questions.